



Honorable Linda B. Riegle  
United States Bankruptcy Judge



Entered on Docket  
May 04, 2012

LEWIS AND ROCA LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Robert M. Charles Jr NV State Bar No. 006593  
Email: [RCharles@LRLaw.com](mailto:RCharles@LRLaw.com)  
John Hinderaker AZ State Bar No. 018024  
Email: [JHinderaker@LRLaw.com](mailto:JHinderaker@LRLaw.com)

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,  
  
Debtors.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Setting Status Conference re  
Proof of Claim Filed by Mark Fanelli  
and Notice**

Date of Status Conference: July 17, 2012  
Time of Conference: 10:00 a.m.

The Status Conference on the First Omnibus Objection of USACM Liquidating Trust to Proofs of Claim Based Entirely Upon Investment in Del Valle Livingston [DE 8533] filed by the USACM Liquidating Trust and response thereto filed by Mark Fanelli ("Mr Fanelli or Claimant") came before the Court on April 19, 2012. John Hinderaker, Counsel for the USACM Liquidating Trust, appeared and represented to the Court that the parties had reached an oral agreement to settle the dispute, but the Trust has been unable to reach Mr Fanelli to finalize the agreement in writing. Good cause now appearing,

IT IS ORDERED;

1           1. A continued status conference is scheduled on **July 17, 2012** at **10:00 a.m.** at the  
2 U.S. Bankruptcy Court, 300 Las Vegas Boulevard South, Foley Federal Building,  
3 Courtroom # 1, Las Vegas, NV;

4           2. Mr. Fanelli is directed to appear at the Status Conference in person or  
5 telephonically. Mr. Fanelli may appear telephonically at the status conference on July 17,  
6 2012 by sending a written request to the Honorable Linda B. Riegler, U.S. Bankruptcy  
7 Court; 300 Las Vegas Boulevard South; Las Vegas, NV 89101 or by sending a facsimile  
8 request to 702-527-7015. The written request must be received by the Court on or before  
9 **July 6, 2012** or it will be denied without good cause shown for failing to timely request  
10 permission to appear telephonically.

11           3. Once the Court grants Mr. Fanelli permission to appear telephonically, Mr.  
12 Fanelli should contact CourtCall at least 48 hours prior to the hearing by telephone at 1-  
13 888-882-6878, or by facsimile at 888-883-2946, to make arrangements for the telephonic  
14 appearance. CourtCall will require Mr. Fanelli to provide the Court location, Judge's  
15 name, case name, case number, and date and time of the hearing. CourtCall charges are to  
16 be paid by claimant; and

17           4. If Mr. Fanelli fails to appear at the status conference, the Court will deem his  
18 response withdrawn and enter an order consistent with the terms of the oral settlement  
19 agreement reached by the parties and described by Mr. Hinderaker as follows:

- 20           • Proof of Claim No. 10725-01380 in the amount of \$100,000 will be 10% allowed  
21 (\$10,000) and 90% disallowed (\$90,000). Mr. Fanelli's response to the Del Valle  
22 Livingston Objection [DE 8533] will be deemed withdrawn and the objection  
23 deemed sustained in accordance with these terms;  
24  
25  
26  
27  
28

- Based upon the portion of Proof of Claim No. 10725-01380 allowed as a non-priority unsecured claim (\$10,000), the Trust will make an immediate 4.92% distribution (\$492.00) to Mr. Fanelli as his *pro rata* share of the funds reserved by the Trust from the initial creditor distribution. All other funds reserved for the Fanelli Claim will be released from the Disputed Claims Reserve and made available to the Trust for whatever purpose is appropriate in the administration of the Trust;
- The remainder, if any, of Proof of Claim No. 10715-01380 will be hereby disallowed;
- Mr. Fanelli will share in future distributions *pro rata* based upon his allowed claim for \$10,000, including the Second Interim Distribution approved by the Court on March 21, 2012;
- Any hearings scheduled regarding the Fanelli Claim will be vacated;
- Each party will bear their own costs and attorneys fees; and
- The Court's final order will supersede any orders preceeding it that relate to the Fanelli Claim

PREPARED AND RESPECTFULLY SUBMITTED BY:

**LEWIS AND ROCA LLP**

By /s/ John Hinderaker (AZ #018024)

Robert M. Charles, Jr.

John Hinderaker (*pro hac vice*)

3993 Howard Hughes Parkway, Ste. 600

Las Vegas, Nevada 89169-5996

Telephone: (702) 949-8320

Facsimile: (702) 949-8321

*Attorneys for USACM Liquidating Trust*